

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA)	CASE NO. 3:13-cr-79-LRH-WGC-1
)	
Plaintiffs,)	MINUTES OF COURT
)	
vs.)	DATE: Friday, December 20, 2013
)	
JAMES EVANS,)	
)	
Defendant.)	
_____)	

PRESENT: THE HONORABLE LARRY R. HICKS, U.S. DISTRICT JUDGE

Deputy Clerk: Dionna Negrete Reporter: Donna Davidson

Counsel for Plaintiff: James Keller, AUSA

Counsel for Defendant: Janice Hubbard, Retained

MINUTES OF EVIDENTIARY HEARING:

9:15 a.m. Court convenes. The defendant and counsel are present.

On motion by counsel for the Government, the Rule of Exclusion is invoked and all witnesses are ordered to remain outside the courtroom until called to testify.

Deputy Brandon Zirkle, Washoe County Sheriff's Office, is called on behalf of the Government, is sworn and testifies on direct examination by Mr. Keller. Government's Exhibit 1 is marked and offered; no objection; Government's Exhibit 1 is admitted into evidence. Government's Exhibit 1 - video is played in open court. Government's Exhibit 5 is marked and offered; objection and voir dire by Ms. Hubbard; objection is noted for the record and overruled; Government's Exhibit 5 is admitted into evidence.

10:35 a.m. Court stands at recess.

10:53 a.m. Court reconvenes. The defendant and counsel are present. Deputy Brandon Zirkle resumes the witness stand and testifies on cross examination by Ms. Hubbard.

12:06 p.m. Court stands at recess.

3:35 p.m. Court reconvenes. The defendant and counsel are present. Deputy Brandon Zirkle resumes the witness stand and continues testimony on cross examination by Ms. Hubbard. Re-direct examination by Mr. Keller. Government's Exhibit 6 is marked and offered; no objection; Government's Exhibit 6 is admitted into evidence. Re-cross examination by Ms. Hubbard. Witness is excused.

Detective Blaine Beard, Washoe County Sheriff's Office, DEA Task Force is called on behalf of the Government, is sworn and testifies on direct examination by Mr. Keller. Cross examination by Ms. Hubbard. Re-direct by Mr. Keller. Government's Exhibits 7 and 8 are marked and offered; objection and voir dire by Ms. Hubbard. Government's Exhibits 7 and 8 are not admitted. Re-cross examination by Ms. Hubbard. Witness is excused.

5:00 p.m. Court stands at recess.

5:09 p.m. Court reconvenes. The defendant and counsel are present. Counsel present their respective arguments.

IT IS ORDERED that defendant James Evans' Motion to Suppress [#41] is GRANTED. The Court places his findings on the record.

Ms. Hubbard requests the defendant be released.

IT IS ORDERED that the Government shall have until 2:00 p.m. on Monday, December 23, 2013, to allow Mr. Keller to consult with his superiors regarding how they will proceed with the case from here.

IT IS FURTHER ORDERED that if there are no filings on behalf of the Government by 2:00 p.m. on Monday, December 23, 2013, both defendants JAMES EVANS and SEPTEMBER MCCONNELL shall be released forthwith. IT IS SO ORDERED.

The Courtroom Administrator shall notify the Marshal's Office accordingly.

5:53 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By: Dionna Negrete
Deputy Clerk